

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

RICHARD GLOSSIP,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-08-326-HE
)	
MARTY SIRMONS, Warden,)	
Oklahoma State Penitentiary,)	
)	
Respondent.)	

**UNOPPOSED MOTION FOR EXTENSION OF TIME
AND BRIEF IN SUPPORT**

COMES NOW the Respondent, Marty Sirmons, Warden, Oklahoma State Penitentiary, by and through Seth S. Branham, Assistant Attorney General, and requests an extension of time of five (5) days, or until November 26, 2008, in which to file the State's response to Petitioner's *Second Motion to Permit Discovery* (Doc. 27) filed with this Court on November 3, 2008. In support thereof, Respondent shows the following:

1. Mark Henricksen, counsel for Petitioner, has no objection to this motion for extension of time being granted in this death penalty habeas case.
2. Under LCvR7.1(g), Respondent's response to Petitioner's second motion for discovery is due today, November 21, 2008.
3. No previous extensions of time have been requested by Respondent in this case.
4. Undersigned counsel has been unable to complete the State's response because of the complexity of issues surrounding Petitioner's request, work required on another death

penalty case and previously scheduled vacation time. Undersigned counsel was out of the office for a week of much needed vacation time when Petitioner's discovery motion (and accompanying § 2254 petition) was filed. Upon return, undersigned counsel has devoted extensive time and work towards completion of the State's response brief in *Davis v. State*, No. D-2007-891, a death penalty direct appeal pending with the Oklahoma Court of Criminal Appeals which is due soon.

In addition, I have devoted considerable time towards preparing the response to Petitioner's second discovery motion but have been unable to complete the response. The analysis for this response touches upon multiple complex issues, particularly exhaustion of state remedies on the ground for which Petitioner seeks discovery. This has required time consuming review of the record on appeal in this death penalty case, in addition to other legal research, and is simply taking more time than I originally anticipated. The requested extension of time is therefore necessary for Respondent to provide this Court with a coherent, complete and helpful response to Petitioner's motion.

5. There will be no impact on any deadlines from the granting of this request other than to extend the date requested. No hearing dates are set in this case. Petitioner has already filed his § 2254 petition and accompanying motion for discovery. His motion for evidentiary hearing remains due on December 31, 2008. Respondent's response to Petitioner's § 2254 petition is due January 2, 2009. *See* Doc. 12.

CONCLUSION

Therefore, for good cause shown, Respondent requests this Court extend the time in which to respond to Petitioner's second motion for discovery to November 26, 2008.

Respectfully submitted,

s/ SETH S. BRANHAM
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ATTORNEYS FOR RESPONDENT

CERTIFICATE OF MAILING

On this 21st day of November, 2008, I certify that a true and correct copy of the foregoing was electronically transmitted to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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s/ SETH S. BRANHAM
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